

Order

Michigan Supreme Court
Lansing, Michigan

November 25, 2014

Robert P. Young, Jr.,
Chief Justice

148361

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 148361
COA: 318271
Wayne CC: 13-002468-FC

ALTON HUBBARD,
Defendant-Appellant.

By order of April 28, 2014, the application for leave to appeal the December 5, 2013 order of the Court of Appeals was held in abeyance pending the decision in *People v Cunningham* (Docket No. 147437). On order of the Court, the case having been decided on June 18, 2014, 496 Mich 145 (2014), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reconsideration of the defendant's issue regarding the Wayne Circuit Court's assessment of court costs. On remand, the Court of Appeals shall hold this case in abeyance pending its decision in *People v Konopka* (Court of Appeals Docket No. 319913). After *Konopka* is decided, the Court of Appeals shall reconsider the defendant's issue in light of *People v Cunningham*, 496 Mich 145 (2014), and *Konopka*. It shall then deny or grant the application on this issue, or otherwise exercise its authority under MCR 7.216(A)(7). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



h1117

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 25, 2014


Clerk